

### REMARKS

Claims 11-26 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Independent claims 11 and 20 have been amended in a readily apparent manner to overcome this rejection. Withdrawal of the rejection is respectfully requested.

Claims 11-12 and 15-17 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Suzuki et al. (US 7,404,423). Applicants respectfully traverse. 35 U.S.C. §102(e) requires that a person shall be entitled to a patent unless the case that the invention was described in a patent granted on an application for patent by another filed in the United States before the invention by the application for patent. In the present case, the inventors for the claimed invention and the cited reference are the same (Takayuki Suzuki). Accordingly, it is believed that the Suzuki reference (USP 7,404,423) cannot be used in the anticipation rejection.

Claims 11-26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Japanese Pat. No. 3-132403 in view of Takada (US 6,000,451) and optionally Suzuki et al. Applicants respectfully traverse.

The Suzuki et al. reference cannot be used in this obviousness rejection, because at the time the claimed invention was made, the subject matter of the Suzuki reference was subject to an obligation of assignment to the same person as the subject application. Therefore, under 35 U.S.C. §103(c), Suzuki et al. cannot be used as prior art.

With respect to JP '403 and Takeda, they still would not disclose or suggest the claimed ratio of the block facing length  $c$  to the depth  $a$  of the grooves being in a range of  $0.40 \leq c/a \leq 0.85$ , even if combined. As recognized by the Examiner, JP '403 does not disclose this feature of the invention. While the Takeda reference discloses the relationship between the depth of the groove GH (see Fig. 3) with respect to the tread width TW (see Figs. 1 and 2), it does not disclose the ratio between the block facing length  $c$  and the depth of the grooves, since neither references disclose taking the measurement of the block facing length  $c$ . The claims are believed to be allowable for at least this reason.

For all of the above reasons, Applicants request reconsideration and allowance of the claimed invention. The Examiner should contact Applicants' undersigned attorney if a telephone conference would expedite prosecution.

If a Petition under 37 C.F.R. §1.136(a) for an extension of time for response is required to make the attached response timely, it is hereby petitioned under 37 C.F.R. §1.136(a) for an extension of time for response in the above-identified application for the period required to make the attached response timely. The Commissioner is hereby

authorized to charge fees which may be required to this application under 37 C.F.R. §§1.16-1.17, or credit any overpayment, to Deposit Account No. 07-2069.

Respectfully submitted,

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